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12 Vinovation, Inc. and
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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION
17

18 VINOVAION, INC., a California corporation,
and OENOVAION INTERNATIONAL LLC, a
19 California corporation,

20 Plaintiff,

21 v.

22 VA FILTRATION USA LLC a California
corporation,

23 Defendant.
24

No. CV06-02026 (JSW)

STIPULATION AND ~~[PROPOSED]~~
ORDER TO STAY LITIGATION
PENDING DECISION BY U.S.
PATENT AND TRADEMARK OFFICE

25
26 WHEREAS, on March 16, 2006, this action for patent infringement was

commenced in United States District Court, Northern District of California, San Francisco Division;

WHEREAS, on September 28, 2006, counsel for defendant VA Filtration USA LLC, Judith S.H. Hom, Esq., filed a request for reexamination of U.S. Patent No. 5,480,665 (“‘665 patent”) (“Request for Reexamination”) on defendant’s behalf with the United States Patent and Trademark Office (“PTO”);

WHEREAS, on December 6, 2006, counsel for plaintiff and defendant have received an Order Granting Request for Reexamination of the ‘665 patent.

WHEREAS, the undersigned parties, through their counsel, have met, conferred and agreed to stipulate to stay the proceedings until twenty-one (21) days after the a Final Determination of defendant’s Request for Reexamination in order to file with the Court a request to reschedule the Case Management Conference.

WHEREAS, good cause exists for the stay because: (1) A stay for the stipulated period would not unduly prejudice or present a clear tactical disadvantage to either party; (2) The parties have not yet engaged in any formal written discovery; (3) The parties have not taken any depositions; (4) Dispositive motions have not been filed by either party; (5) The Court has not yet set a trial date; and (6) A final determination on the reexamination of the ‘665 patent may substantially affect the scope of discovery and simplify the issues in question and trial of the case.

NOW THEREFORE, it is STIPULATED, AGREED AND ORDERED as follows:

1. All proceedings in this action will be stayed until twenty-one (21) days after a Final Determination of the defendant’s Request for Reexamination.

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2. All actions and filings required by Federal Rules of Civil Procedure 26(a)(1) and (f) and Patent Local Rules 3 and 4 are rescheduled depending on the new date for the Case Management Conference.

DATED: December 12, 2006

BINGHAM McCUTCHEN LLP

By: 

Attorneys for Defendant
VA Filtration USA LLC

DATED: December 14, 2006

DERGOSITS & NOAH LLP

By: 

Attorneys for Plaintiffs
Vinnovation Inc. and Oenovation International LLC

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 14, 2006

By: 

THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE